

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

JOEL DESERTO,)	
)	
Plaintiff,)	
)	
v.)	CV 122-096
)	
AIYAN DIABETES CENTER, INC. and)	
DR. SIVAKUMAR JAYABALAN,)	
)	
Defendants.)	

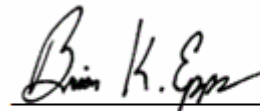
ORDER

On September 22, 2022, Plaintiff filed a motion asking the Court to award Plaintiff \$864.50 in service of process expenses after alleging Defendants failed, without good cause, to sign and return waivers of service. (Doc. no. 10); Fed. R. Civ. P. 4(d)(2). In an attempt to comply with Local Rule 5.1, Plaintiff attached a certificate certifying his motion was served upon Defendants by “the Clerk of Court using the CM/ECF system which will automatically send email or other notification of such filing to the . . . *pro se* Defendants.” (Doc. no. 10, p. 4.)

However, CM/ECF only generates a notice of electronic filing to parties who are registered CM/ECF users and have requested electronic notice in that case. See Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in the Southern District of Georgia, II(B). *Pro se* parties cannot be registered users and do not receive electronic notice of filings via CM/ECF. Id. The filing

party is instead responsible for serving filings upon nonregistered parties in accordance with the Federal Rules of Civil Procedure. Id. Thus, Plaintiff's certificate of service does not show the motion complies with Local Rule 5.1. The Court **DENIES** the motion without prejudice. (Doc. no. 10); Layfield v. Bill Heard Chevrolet Co., 607 F.2d 1097, 1099 (5th Cir. 1979) (*per curiam*) (motion may be summarily denied for failing to comply with a court's Local Rules).

SO ORDERED this 29th day of September, 2022, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA